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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,987	11/12/2003	Terrence W. Schmidt	1934-8-3	7342

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EXAMINER

OLSON, LARS A

ART UNIT PAPER NUMBER

3617

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/712,987	Applicant(s) SCHMIDT ET AL.	
	Examiner Lars A. Olson	Art Unit 3617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 13, 14 and 16-26 is/are rejected.
- 7) ☒ Claim(s) 12 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01272006</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 27, 2006 has been entered.
2. An amendment was received from the applicant on January 3, 2006.
3. Claims 5 and 6 have been canceled.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 9-11, 14 and 16-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Arikawa et al. (JP 52143691 A).

Arikawa et al. discloses the same method as claimed, as shown in Figures 1-9, said method being comprised of the steps of floating a mission module, defined as

Part #2, near a vessel, defined as Part #1, said mission module being operable to enable said vessel to perform a function for a specific mission, retrieving said mission module with said vessel, as shown in Figures 3-6, said vessel being operable to transport passengers from a first location to a second location, and installing said mission module in said vessel, as shown in Figure 6, by means of a ramp, defined as Part #4, where said mission module is operable to enable distribution of resources from said module to said vessel.

Arikawa et al. also discloses a method comprised of the steps of floating a mission module near a vessel, as shown in Figure 3, maneuvering said vessel toward said module such that a bay of said vessel captures said module, as shown in Figures 4-6, and coupling a system interface of said module with a system interface of said vessel, defined as Part #10, as shown in Figures 5 and 9, in order to enable the distribution of resources from said module to said vessel.

Arikawa et al. also discloses a method comprised of the steps of disengaging a mission module from a vessel, as shown in Figure 7, removing said module from a bay of said vessel by sliding said module down a ramp, as shown in Figures 6 and 7, and floating said module away from said vessel, as shown in Figure 8.

Arikawa et al. also discloses a method comprised of the steps of removing a first mission module from a bay of a vessel, as shown in Figures 6-8, floating a second mission module near said vessel, as shown in Figure 3, and installing said second mission module in a bay of said vessel, as shown in Figures 4 and 5, in order to enable the distribution of resources from said second mission module to said vessel.

Arikawa et al. also discloses the same vessel as claimed, as shown in Figures 1-9, that is comprises of a frame, defined as Part #4, that is operable to retrieve a mission module, defined as Part #2, that is floating near said frame, as shown in Figure 3, said module being operable to enable said vessel, defined as Part #1, to perform a function for a specific mission and to enable the distribution of resources from said module to said vessel, where said module is operable to be installed in said vessel, as shown in Figure 6, and said vessel is operable to transport passengers from a first location to a second location.

6. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (US 5,791,600).

Thompson discloses the same method as claimed, as shown in Figures 1-10, said method being comprised of the steps of floating a mission module, defined as Part #8, near a vessel, defined as Part #32, as shown in Figure 3, said mission module being operable to enable said vessel to perform a function for a specific mission, retrieving said mission module with said vessel, as shown in Figure 3, said vessel being operable to transport passengers from a first terrestrial location to a second terrestrial location, and installing said mission module in said vessel, as shown in Figure 9, where said installed module is operable to enable distribution of resources from said module to said vessel, as described in lines 30-38 of column 2, and lines 13-19 of column 4. Said vessel is further comprised of a space ship, as shown in Figures 8-10.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arikawa et al.

Arikawa et al., as set forth above, discloses all of the features claimed except for the use of a multi-hull vessel.

The use of a vessel having a plurality of hulls instead of a single hull would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing a vessel with increased buoyancy and improved stability.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a multi-hull vessel in combination with the method as disclosed by Arikawa et al. for the purpose of providing a vessel with improved stability for the launching and retrieval of a mission module.

***Allowable Subject Matter***

9. Claims 12 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Response to Arguments***

10. Applicant's arguments with respect to claims 1-4, 7-11, 13, 14 and 16-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Witbeck (US 6,843,198), Nemec et al. (US 4,292,915) and Kossa et al. (US 3,934,530) disclose transport vessels for the launch and recovery of floating cargo by means of a ramp and a well deck.

12. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

February 6, 2006

LARS A. OLSON  
PRIMARY EXAMINER

*Lars Olson*  
2/6/06